

## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Dresden School District (SAU 70)

Petitioner

v.

Hanover Support Staff, NEA-NH

Respondent

Case No. M-0586-6

Decision No. 2001-111

### REPRESENTATIVES

For the Dresden School District (SAU 70):

Cathryn C. Nunlist, Esquire

For Hanover Support Staff, NEA-NH:

James F. Allmendinger, Esquire, Staff Attorney

Also Appearing as Witnesses:

Betty Tedeschi, Registrar

Gene Kadish, Director of Guidance

Ron Eberhart, School Counsellor

Deborah W. Gillespie, Dean of Students

Sherry L. Pressey, Education Assistant

Anna DeFoe, Association Co-President and Negotiator

Sarah Root, Uniserv Director-Upper Valley, NEA-NH

## BACKGROUND

On August 14, 2001, the Dresden School District (SAU 70) (hereinafter referred to as the "District") filed a petition to modify the composition of a bargaining unit of employees, entitled the Hanover Support Staff (hereinafter referred to as the "Association"), that is affiliated with the New Hampshire unit of the National Education Association (NEA-NH). The District seeks to remove the position of "Registrar" from the existing unit based upon its allegations that the position has assumed greater responsibility and has become more complex and the District's intention to have the Registrar now supervise and evaluate the position of guidance receptionist, a position also within the existing unit.

On August 29, 2001 the Association filed its answer to the modification petition. It objected to the removal of the Registrar position asserting that the position performs duties that are routine and prospective only. Further, it asserts that such responsibility to evaluate the guidance receptionist as may be assigned is prospective and, without more, does not constitute a basis for removal.

An evidentiary hearing was initially scheduled for September 12, 2001, but was continued upon the motion of the District, assented to by the Association, and rescheduled by agreement to be conducted on September 28, 2001. The hearing was conducted on that day at the offices of the Public Employee Labor Relations Board (hereinafter referred to as the "PELRB") at which both sides were present, were represented by counsel, and presented witness testimony and other evidence. At the outset of the hearing, the Association moved that the District's Modification Petition be dismissed on the basis that no changes had occurred since the parties' negotiated the collective bargaining agreement that was in force at the time of the filing pursuant to New Hampshire Code of Administrative Rules, Pub §302.05 (b)(2). That motion was taken under advisement by the Hearing Officer following the objection of the District and the hearing proceeded on the merits of the Modification Petition.

## FINDINGS OF FACT

1. The Dresden School District (SAU #70) (hereinafter referred to as the "District") employs educational staff and other personnel in the operation of its school district, including the Hanover High School, and therefore is a public employer within the meaning of RSA 273-A:1 X.
2. The Hanover Support Staff is an association of employees affiliated with the National Education Association – New Hampshire (hereinafter referred to as the "Association") that is the duly certified exclusive bargaining representative for a bargaining unit comprised of certain educational support staff, including educational assistants, calendar year secretaries, and school year secretaries within the District.

3. The District and the Association are parties to a Collective Bargaining Agreement (CBA) effective July 1, 2000 to June 30, 2003, both parties having signed the document by June 1, 2000.
4. Since at least 1998, the recognition clause in the parties' two CBA's has recognized the Association as the exclusive representative of "support staff of the Hanover and Dresden School District(s).... The units of the support staff shall include educational assistants, calendar year secretaries, and school year secretaries." (Joint Exhibits #1 and #2)
5. The term "educational assistant" is used by the parties to characterize several job assignments or titles including "Registrar" as referenced in the July 5, 2000 letter of Gene Kadish, the Director of Guidance (District Exhibit #3). Educational Assistants are dispersed throughout the High School and the District and perform a multitude of diverse tasks depending on the department to which they are assigned, e.g. Science Resource Educational Assistant, Educational Assistant - Student Center, Computer Educational Assistant. (See District Exhibit #4 - Job Descriptions submitted post hearing)
6. Elizabeth Todeschi is presently the Registrar at Hanover High School having been informed of her selection for that position in late May or early June of 1999 and having assumed her duties about July 4, 1999. Prior to assuming that position, Ms. Todeschi had held the position of Guidance Secretary/Receptionist in the Guidance Department of Hanover High School. It should be noted that the written job description for her previous job is entitled "Guidance Secretary/Receptionist/Resource Center Aide". Her position has been represented by the Association under the CBA covering the period 1998 through 2000 and now, under the existing CBA through June 30, 2003.
7. Prior to the retirement of the prior Registrar, the parties previously had treated that position in the category of educational assistant performing the duties of Registrar, (District Exhibit #3) for purposes of collective bargaining.
8. Ms. Tedeschi testified that her responsibilities "have been the same" since she assumed her present position in 1999.
9. Both collective bargaining agreements in evidence (Joint Exhibits #1 and #2) also include the following language in Article 1: RECOGNITION CLAUSE,

"If a new employee position is created during the life of this agreement and the parties cannot mutually agree on its inclusion in the bargaining unit, either party may request a clarification and determination

from the New Hampshire Public Employee Labor Relations Board."

And the following language in Article 8: EVALUATION,

"It is recognized by the parties that evaluation of performance is the responsibility of the administration or a staff member who is designated to supervise the employee. The employee will be informed of the person responsible for the supervision. The supervising staff member will not be a member of this bargaining unit."

10. The School District filed its Modification Petition after negotiations were concluded for the existing CBA.
11. The written job description for "Registrar", purportedly in existence since May 1983, contains a numbered list of "major duties and responsibilities of the Hanover High School Registrar". (District Exhibit #1) An undated written job description "Administrative Assistant/Registrar, Guidance Department" (District Exhibit #2) also contains such a list. Both of these documents were prepared and produced in their present form by the School District. An additional undated written job description for "Registrar", of unknown authorship, (Association Exhibit #1) was given five years ago by the former Registrar approximately to Sharon Lynn Pressey, an educational assistant assigned as the Social Studies and Health Educational Assistant at Hanover High School.
12. Of the duties and responsibilities contained in the two written descriptions submitted by the District, most are identical. Some reflect the District's utilization of a new computer system that all witnesses referred to as the "Mac School System". Some others incorporate this newer technology application into the tasks to be performed by the person holding the position. A single listing, i.e. item #13, addresses "oversight" responsibility assigned to this position over a "guidance secretary". (See District Exhibits #1 and #2)
13. Ms. Tedeschi testified on cross-examination that she has performed her present duties since she took the position in 1999 and they are as listed on School District Exhibit #2. The only "new" task proposed is the proposition that she would "supervise" and "evaluate" the Guidance Secretary/Receptionist. Her recollection was that the possibility of her assuming the responsibility to evaluate the guidance receptionist was discussed with the administration in the Fall of 2000 and then later in the Spring of 2001 in connection with this Modification Petition. She also testified that the development of guidelines for the employee evaluation were

being held in abeyance pending the decision from the PELRB following the present hearing.

14. Ms. Tedeschi testified that she had a discussion with her Association leadership regarding her desire for greater compensation for her new position and her desire to withdraw from the bargaining unit. Although she intended to advise them as to her job description duties and responsibilities, no discussion of those issues transpired at that meeting. Further, she testified that no discussion took place between her and the Association leadership regarding the possibility of her participating in the evaluation of the Guidance Secretary/Receptionist.
15. Gene Kadish is the Director of Guidance at the Hanover High School having assumed that position on July 1, 1999 after 15 years in the guidance field at the high school. He testified that he approached Uwe Bagnato, then, principal of the high school, regarding the reclassification of the Registrar position to incorporate additional responsibilities including the oversight of the day to day operation of the guidance office. In his testimony, he characterized the difference in responsibilities Ms. Tedeschi was assuming from those performed by the previous Registrar as "mind boggling".
16. Mr. Kadish also testified that he had evaluated the guidance Secretary/Receptionist for the past two years, indicating further that it took between one and two hours to do so.
17. Mr. Kadish testified that the high school principal signs off on the Guidance Department evaluations he performs. He also testified that he has the authority to recommend the hiring of someone to the principal but that the hiring authority is the principal's. Further, he testified that he has no authority to promote, suspend or transfer the Secretary/Receptionist from employment or to recommend that she be "laid-off". He does not have the power to fire the person. He testified that he felt he might make a recommendation for personnel actions to the principal but that it be followed or rejected. He does not have the authority to send the Secretary/Receptionist home if he felt the person was not dressed appropriately.
18. As to grievance procedures, Mr. Kadish stated that he would handle any informal grievance but any formal grievance would have to go to the Principal. The Registrar does not have a role in the formal grievance process.
19. Mr. Kadish stated that the Registrar is not certified by the state's Department of Education and that the position requires neither a master nor baccalaureate educational degree, nor any other certification.
20. Mr. Kadish testified that he is "somewhat familiar" with educational assistants in other departments but was not familiar enough to distinguish clearly what

their specific responsibilities were nor could he compare them to those of the Registrar.

21. Ron Eberhardt is a Guidance Counselor at the Hanover High School and has held positions with the teachers' bargaining unit, presently holding the position of vice-president. He testified that he believed that there was more complexity to the job of Registrar than the educational assistant level positions assigned elsewhere within the system as there are more records at the high school. He testified that it would be more difficult to replace the Registrar and that a reduction in force (RIF) would create a great loss if it reached to the incumbent Registrar. He also testified that prior to the incorporation of the MacSchool System technology and the present operations of the Guidance Department, grade management, records management, and scheduling were handled by the principal's administrative assistants or counselors.
22. Deborah Gillespie is the Dean of Students at Hanover High School and is in her fifth year in that position. As part of her performance, she meets with the Registrar and is familiar with her expertise and skills that she rates as "100". The Dean is responsible for building the "master schedule" relying, in part, on the Registrar's familiarity with the technology involved with the Mac School System to do so.
23. Ms. Gillespie is familiar with the educational assistants utilized within the school and "evaluates some" of them. She characterized the work of the Registrar as "autonomous" aside from their work together with the Master Schedule. She characterized the responsibility of the Registrar as "vast, above the scale." She underscored her point by referring to an assigned task of the Registrar, that is, the need for college packets and transcripts to be done accurately. Under cross-examination, she admitted that the Registrar's expertise is essentially in her ability to translate her instructions regarding the Master Schedule into the MacSchool computer program. She also stated that many other tasks within the system preformed by other educational assistants are important and must be done accurately as well.
24. Ms Gillespie later returned to testify, in rebuttal, that it would take at least two weeks to train someone to perform the Registrar's duties and responsibilities and that she did not believe any educational assistant could assume the position of Registrar as it would require "Registrar's experience". She also confirmed that the principal had approached Ms. Pressey to discuss the Registrar's position and that she believed that meeting did take place although, she allowed, under cross examination, that she did not know what was exactly said in the conversation between the principal and Ms. Pressey as she was not present at the meeting. Ms. Gillespie also responded during cross examination that the Registrar was not presently supervising any employee.

25. Ms. Pressey has held the responsibilities of educational assistant supporting the Social Studies and English Departments and most recently the Social Studies and Health Departments. Her testimony reveals that the term "educational assistant" represents a category of positions within administrative and education departments throughout the system. The positions share many of the same responsibilities and are augmented by specific responsibilities of the department or coordinator to whom they are assigned.
26. A review of the job descriptions provided by the School District for the high school and other system schools, and made part of the record, (District Exhibit #4) among other things demonstrates two salient features:
- that they vary widely as to format (See, descriptions for Social Studies, Science/Industrial Arts, Mathematics/Business and see also, a second Math Department description, School Administrative Unit #70 Educational Assistant, and Student Center Educational Assistant. (District Exhibit #4) and;
  - that they have comparable duties and responsibilities with those of the Registrar such as maintaining records, processing and manipulating data and drafting correspondence, communicating with individuals within and without the school, compiling student related data, assisting their department heads or coordinators implement school system practices and departmental policies within guidelines established by the school administration.
27. Ms. Pressey testified that if the Registrar were to be assigned responsibility for evaluating another staff member she would be the only position to be assigned that responsibility without holding any post secondary degree or certificate. She further testified that all department heads or coordinators are certified.
28. Ms. Pressey testified that the departmental head or coordinator as well as the principal each had "sign off" authority on support staff evaluations when they were conducted.
29. Ms. Pressey testified that in 1999 the high school principal at the time, Uwe Bagnato, initiated a discussion with her regarding the position of Registrar. He solicited her opinion as to how other educational assistants would react to the Registrar position being treated differently and how they would react to an increase in that position's wages. She further testified that he did not raise the issue of the Registrar evaluating the Guidance Secretary/Receptionist in that discussion or any subsequent discussion with her.

30. Ms. Pressey also testified that she was invited to a later meeting, although she was not certain when the meeting took place. She expected it to be a meeting of the school Principal, the Director of Guidance, the Registrar and the Association leadership and the Association's representative from NEA-NH, Sarah Root. In fact, the Principal and the Director of Guidance did not attend. She testified that it was at this meeting that the Registrar informed the Association that she wanted to sever her relationship with the bargaining unit. The Registrar did not raise the issue of the contents of the written job description or the issue of her participating in the evaluation of the Guidance Secretary/Receptionist, but did discuss the issue of an increase in wages if she was no longer a member of the Association.
31. Under cross examination Ms. Pressey testified that she believed that if she or most any other of the educational assistants were to receive the same training as the Registrar had received with the computer technology in that office, that she or another educational assistant could perform the duties and responsibilities of the Registrar. She also stated that the written description (District Exhibit #2) did not include participation in the evaluation of anyone.
32. Ms. Anna Defoe is a Receptionist/Secretary employed at the Ray School within the District. She is a Co-President of the Association. She testified that she had received three days of training on the MacSchool System similar to that received by the Registrar with the possible exception of one module. She also testified that she is the "unofficial registrar" at the Ray School. She testified that she attended the same meeting with the Registrar as did Ms. Pressey and that at that meeting she recalls Ms. Tedeschi, the Registrar, stating that she felt that she had more responsibilities as a Registrar and that the "bottom line" was that she believed she should get more money. Also, she stated that Ms. Tedeschi did not raise any issue of evaluation of another employee at that meeting. Ms Defoe testified that she believed her own responsibilities were comparable to those of the High School Registrar, Ms. Tedeschi, except that she did not do "master-scheduling", i.e. input scheduling information to the MacSchool computer program nor did grade reporting, but offered that if you compared her written job description with that of the Registrar, they were quite similar.
33. Under cross examination, she stated that there was no negotiation of wages for the Registrar's position in the last contract negotiations.
34. Ms. Sarah Root is the UniServ Director for the Upper Valley Region and has been in that position for six years. She testified regarding the role that a curriculum head or coordinator played in a recent disciplinary action. She stated that the curriculum coordinator "sat in on the meeting". The discipline was meted out by the principal and the result was a transfer of the educational assistant.



35. Ms. Root also testified that she was approached by both the school principal and Mr. Eberhardt, separately, regarding an approach to address the Registrar situation. These overtures occurred in the Fall of the year 2000 after the most recent CBA had been executed. She responded generally on behalf of the Association that they would "entertain any proposal they wanted to put forward" but that she could not guarantee any acceptance. The School District did not make any proposal to the Association for consideration of changes to the Registrar's position.

36. Ms. Root was also in attendance at the meeting called by Ms. Tedeschi. She testified that there was no discussion of any role in evaluating personnel raised by the Registrar or anyone else and that she was surprised that the principal was not there and that the major focus was on wages. She testified that she explained the process of reopening negotiations to Ms. Tedeschi as negotiations had been concluded for the present collective bargaining agreement. There were no negotiations between the Association and the District regarding removal of the position from the unit or any different wages.

#### DECISION AND ORDER

The Public Employee Labor Relations Board (PELRB) is authorized under RSA 273-A:8 I to determine the composition of bargaining units of public employees. This authority includes deciding questions of modifications of existing bargaining units. The PELRB has developed rules providing guidance to parties seeking to modify bargaining units and for the PELRB's review of such modification petitions. Admin Rule Pub. 302.05. In the normal course of PELRB consideration of such petitions, modifications are in order when there have been changes in circumstances since the formation of the bargaining unit that warrant additions or deletions of positions.

The Dresden School District (SAU #70) seeks to remove the position of "Registrar" from the exclusive bargaining unit because it believes that tasks that are performed by the person holding the position of Registrar and the authority conferred upon that position result in it not having a community of interest with the other members of the existing bargaining unit and make that person a "supervisor" under the meaning of RSA 273-A:8, II. Before we can consider the merits of the District's case for removal of the Registrar position from the existing unit, it must be determined whether this Modification Petition can surmount the mandatory dismissal provision of the relevant administrative rule. Administrative Rule Pub 302.05 (b) states, among other things,

"A petition shall be denied if: (2) The petition attempts to modify the composition of a bargaining unit negotiated by the parties and the circumstances alleged to have changed, actually changed prior to negotiations on the collective bargaining agreement presently in force."

The chronology of events leading to the filing of the Association's Modification Petition are as follows. On or about July 4, 1999 Ms. Tedeschi assumed the position of Registrar. (Finding of Fact #6). Prior to that, she had been employed as the Secretary/Receptionist in the Guidance Department. (Finding of Fact #6) and considered a member of the existing bargaining unit as she was considered in the classification of a secretary for purposes of collective bargaining. (See RECOGNITION CLAUSE in Joint Exhibits #1 and #2) The position of Registrar was considered an educational assistant level position at least through July 5, 2000. (District Exhibit #3) and was considered in the classification of an educational assistant for purposes of collective bargaining. (See RECOGNITION CLAUSE in Joint Exhibits #1 and #2). On June 1, 2000 the Association added its signature to the present collective bargaining agreement (Joint Exhibit #2) thereby giving the written agreement effect and setting the members' wages, benefits and other conditions of work until at least until its scheduled expiration on June 30, 2003. On July 5, 2000 Gene Kadish, the new Director of Guidance, proposed an "update of the job description for the position of school registrar". (District Exhibit #3) Proposed changes in the job description had been made in response to earlier comments of the principal, Uwe Bagnato. (District Exhibit #3) Regardless of when those comments may have been made by the principal and regardless of when various meetings may have taken place between members of the bargaining unit and Ms. Tedeschi, two things are clear. First, Ms. Tedeschi is not presently performing her duties differently than when she assumed her position in July of 1999. Second, the District has changed the job description of the Registrar since the present CBA was negotiated and signed by the Association on June 1, 2000. Ms. Tedeschi had undertaken many, if not all, of the duties and responsibilities contained in the new job description (District Exhibit #2) prior to the present CBA being in place. The parties concluded their negotiations prior to the District's filing of its Modification Petition on August 14, 2001. (Finding of Fact #10) Two items indicate that there has been a change in circumstances since negotiations on the present CBA. The creation of a new employee position by virtue of the adoption of a new job description entitled Administrative Assistant/Registrar. The District also has proposed that it desires to use this position to supervise and evaluate the Guidance Secretary/Receptionist. These coupled with the PELRB's legislatively established purpose of promoting harmonious labor relations between the public employer and its employees are sufficient to overcome the mandatory dismissal language of Pub 302.05(2)(b) in this matter. The Association's motion that the District's Modification Petition be dismissed on the basis of Pub 302.05(2)(b) is denied.

Lesser weight has been assigned to testimony of prospective plans than to documentation or testimony related to actual or historical occurrences. Therefore, testimony of witnesses for the District regarding the plan to have the Registrar supervise the Secretary/Receptionist/Resource Center Aide position as that position is described in its job description and to the plan for the Registrar to participate in the evaluation of that position fall into the former class of evidence. The reason for less weight being accorded these projected plans is that these two responsibilities do not appear in the written job description submitted into evidence (District Exhibit #2); there was insufficient evidence produced by the District to show that these two future planned responsibilities were

considered prior to the filing of the District's Modification Petition, and the PELRB, as most adjudicatory entities, is reticent to have its Hearing Officer make determinations on the future projected plans of either management or labor without sufficient, credible and specific supportive evidence as to what someone may do in the future, be it supervision, evaluation, reorganization, or wages, benefits and conditions of work. This is no less true because the parties have agreed that such "clarification and determination" may be sought of the PELRB as these parties have attempted to do in their recognition clauses. (Joint Exhibits #1 and #2 RECOGNITION CLAUSE).

This procedural hurdle having been cleared, though barely, analysis then moves to the determination of whether or not the position of Registrar should continue in its present unit. The Public Employee Labor Relations Board (PELRB) is authorized under RSA 273-A:8 I to determine the composition of bargaining units of public employees. In making such determinations the PELRB takes into consideration the principle of community of interest. RSA-A:8 I (a),(b),(c), and (d). See also Pub 302.02. In evaluating this concept of "community of interest," the PELRB looks to manifestations that can be observed or documented.

As this particular matter involves evidence of an existing bargaining unit, focus first falls on how the parties have interpreted recognition issues in the past because they both recognize that in this District's personnel system, titles appearing on written job descriptions may or may not coincide with every day reference to a job title, *e.g.* Guidance Secretary/Receptionist/Resource Center Aide (Finding of Fact #6). An immediate observation is that the parties maintain loosely defined job categories in the recognition clause of, at least, their last two collective bargaining agreements that span the years of 1998-2003. (Joint Exhibits #1 and #2). During negotiations for both CBA's the parties knew that actual job titles of recognized bargaining unit members were more specific. (School Exhibit #3) and not identical to the categorical reference in the recognition clause within their CBA.

It is undisputed that the previous Registrar and the incumbent Registrar have both been represented by the Association for purposes of collective bargaining. The District's prior written job description entitled "Registrar" has been in existence since 1983. (District Exhibit #1). The present written job description entitled "Administrative Assistant/Registrar, Guidance Department" (District Exhibit #2) does not substantially differ from the earlier version in the types of responsibilities assumed (Finding of Fact #12) with the relevant exception within Item # 13 which assigns "oversight" over a "guidance receptionist". For purposes of this decision, that position is deemed to be the same as the "Guidance Department Secretary/Receptionist" and the "Guidance Secretary/Receptionist/Resource Center Aide" referred to in other documents. The weight of the evidence does not support the characterization by Mr. Kadish that the difference between the responsibilities of the Registrar's position described in District Exhibit #1 and those that are described in the present job description, District Exhibit #2, are "mind boggling". By review of the written job descriptions for the educational assistants and the credible testimony of Ms. Pressey and Ms. Defoe, as to their own responsibilities, the weight of the evidence does not support Ms. Gillespie's characterization that the

responsibilities of the Registrar are "vast" and "off the scale" (Finding of Fact #23) as compared to others in the category of educational assistant.

Upon reviewing the job descriptions for all the educational assistants employed throughout the system, regardless of each employee's specific job title, it appears that the Registrar shares similar responsibilities for the performance of many tasks that are, for the most part, undertaken by other persons in the category of "educational assistants." To one extent or the other, many perform such duties as maintaining records, processing and manipulating data, drafting correspondence, communicating with individuals within and without the school, and compiling student related data. They all appear to assist their department heads or coordinators implement school system practices and departmental policies within guidelines established by the school administration, (Finding of Fact #26) and as testified to by Ms. Defoe, (Finding of Fact #32) work with the "MacSchool" computer technology, to varying degrees. All seem to perform a supportive role to the department or administrative head to whom they are assigned. Notwithstanding the incumbent's self-felt community of interest with employees other than those who populate her existing bargaining unit, there is insufficient credible evidence to justify fracturing the objective community of interest that has existed and continues to exist as the present job description of the Registrar is written and the present performance of the Registrar is reported through testimony.

The remaining analysis focuses on the issue of whether or not the Registrar exercises sufficient supervisory authority to exclude the position from the bargaining unit. The court has focused on several factors that include the "employee's authority to evaluate other employees, the employee's supervisory role, and the employee's disciplinary authority." Appeal of Town of Stratham, 144 N.H. 429, 432 (1999); *see also* Appeal of East Derry Fire Precinct, 137 N.H. 607, 611 (1993) "scheduling". Otherwise, it has been long held that the court implicitly recognizes the PELRB's authority to define "supervisor" as it is used in RSA 273-A:8, II. *See University System v. State*, 117 N.H. 96 (1977), Department of Revenue Administration v. Public Employee Labor Relations Board, 117 N.H. 976 (1977) There is no authority transferred, nor responsibility nor duty assigned within the Registrar's written job description to indicate that she exercises "supervisory authority involving the significant exercise of discretion" required by law.

The offered testimony provided little to suggest that this position should qualify for the supervisory exclusion found in RSA 273-A:8, II. First, by her own testimony and that of Mr. Kadish, Ms. Tedeschi has not participated in an evaluation of the Guidance Secretary Receptionist. (Findings of Fact #13 and #16). There has been no development of guidelines were she to attempt to conduct an evaluation. (Finding of Fact #13). If she were to exercise any alleged authority to conduct an evaluation, it would be subject to two additional levels of scrutiny by both the Director of Guidance and the Principal. (Finding of Fact #17). As the Registrar's position is subordinate to that of the Director of Guidance, it would not appear that she would have greater authority than he. That is, she has no authority to hire, fire, promote, suspend or transfer the Secretary/Receptionist, nor to send the Secretary/Receptionist home if she felt the person was not dressed appropriately since even he does not have such authority. (Finding of Fact #17).

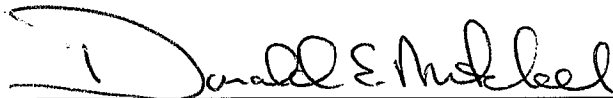
Similarly, whatever "supervisory" authority the Registrar may presently have, it does not place her in the formal grievance hierarchy. (Finding of Fact #18). Further, Ms. Root provided uncontroverted testimony demonstrating the passive role a curriculum head or coordinator plays in a disciplinary hearing. She also provided uncontroverted testimony that discipline was meted out by the Principal. (Finding of Fact #34) There was no evidence that the Registrar exercises any disciplinary authority.

Most other testimony lauded the incumbent Registrar's expertise and skill (Finding of Fact #22), indicated that it would be more difficult to replace the Registrar than an educational assistant position and that the Registrar handled more records. (Finding of Fact #21). There was additional testimony that the Registrar's position required extensive utilization of the computer system, and familiarity with the system's "Master Schedule" (Finding of Fact #23), and would require two weeks of training for a replacement employee. (Finding of Fact #24). While accepted as the sentiments of the witnesses so testifying and as fact, such testimony does not meet the requirements of a supervisor as that term is defined in RSA 273-A:8, II or interpreted by the PELRB.

For the above reasons, the District's Modification Petition is DENIED. In making this decision, the Hearing Officer does not attempt to interpret the meaning or application of the first paragraph of Article 8: EVALUATION of the parties' CBA and by doing so leaves the parties to any rights either may perceive emanate therefrom.

So Ordered.

Signed this 2<sup>nd</sup> day of November, 2001.

  
Donald E. Mitchell, Esq., Hearing Officer